# CHAPTER XII

# SPECIAL ACCESS PROGRAMS

## 12-100 Policy

It is the policy of the Department of Defense to use the security classification categories and the applicable sections of E.O. 12356 (reference (g)) and its implementing 1S00 Directive (reference (h)), to limit access to classified information on a "need-to-know" basis to personnel who have been determined to be trustworthy. It is further policy to apply the "need-to-know" principle in the regular system so that there will be no need to resort to formal Special Access Programs. In this context, Special Access Programs may be created or continued only on a specific showing that:

a. Normal management and safeguarding procedures are not sufficient to limit "need-to-know" or access; and

b. The number of persons who will need access will be reasonably small and commensurate with the objective of providing extra protection for the information involved.

## 12-101 Establishment of Special Access Programs

a. Procedures for the establishment of Special Access Programs involving NATO classified information are based on international treaty requirements (see DoD Directive 5100.55 (reference (ee)).

b. The policies and procedures for access to and dissemination of Restricted Data and Critical Nuclear Weapon Design Information are contained in DoD Directive 5210.2 (reference (old)).

c. Special Access Programs for foreign intelligence information under the cognizance of the Director of Central Intelligence, or those of the National Telecommunications and Information Systems Security Committee originate outside the Department of Defense. However, coordination with the DUSD(P) and the Component's central point of contact is necessary before the establishment or implementation of any such Programs by any DoD Component. The information required by paragraph 12-105 a. will be provided.

d. Excluding those Programs specified in paragraphs a., b., and c., above, Special Access Programs shall be established within the Military Departments by:

1. Submitting to the Secretary of the Department the information required under paragraph 12-105 a.;

2. Obtaining written approval from the Secretary of the Department;

3. Providing to the DUSD(P) a copy of the approval; and

4. Maintaining the information and rationale upon which approval was granted within the Military Department's central office.

e. Special Access Programs, other than those specified in paragraphs a. , b., and c., above, that are desired to be established in any DoD Component other than the Military Departments shall be submitted with the information referred to in paragraph 12-105 a. to the DUSD(P) for approval.

## 12-102 Review of Special Access Programs

a. Excluding those Programs specified in paragraphs 12-101 a., b., or c., each Special Access Program shall be reviewed annually by the DoD Component responsible for establishment of the Program. To accommodate such reviews, DoD Components shall institute procedures to ensure the conduct of annual security inspections and regularly scheduled audits by security, contract administration, and audit organizations.

b. Special Access Programs, excluding those specified in paragraphs 12-101 a., b., ore., or those required by treaty or international agreement, shall terminate automatically every 5 years unless-reestablished in accordance with the procedures contained in subsection 12-101.

## 12-103 Control and Administration

a. Each DoD Component shall appoint an official to act as a single point of contact for information concerning the establishment and security administration of all Special Access Programs established by or existing in the Component. Such official shall report to the DUSD(P):

1. The establishment of a Special Access Program as required by paragraph 12-101 d.3.; and

2. Changes in Program status as required by paragraphs 12-105 b. or c.

b. Officials serving as single points of contact, as well as members of their respective staffs and other persons providing support to Special Access Programs who require access to multiple sets of particularly sensitive information , shall be subject to a counterintelligence-scope polygraph examination aperiodically but not less than once every 5 years. Additionally, such testing will be subject to the limitations imposed by Congress. The program for each DoD Component, as well as requests for waiver, shall be submitted for approval by the DUSD(P).

## 12-104 Codewords and Nicknames

Excluding those Programs specified in paragraphs 12-101 a., b., and c., each Special Access Program will be assigned a codeword, a nickname, or both. Codewords and nicknames for Special Access Programs shall be allocated solely by the DUSD(P) through the official appointed under subsection 12-103. DoD Components may request codewords and nicknames individually or in block. If codewords or nicknames are obtained in block, however, the issuing Component shall promptly notify the DUSD(P) upon activation and assignment.

## 12-105 Reporting of Special Access Programs

a. Report of Establishment. Reports to the Secretary of the Military Department or the DUSD(P) required under subsection 12-101 for Special Access Programs shall include:

1. The responsible department, agency, or DoD Component, including office identification;

2. The codeword and/or nickname of the Program;

3. The relationship, if any, to other Special Access Programs in the Department of Defense or other government agencies;

4. The rationale for establishing the Special Access Program including the reason why normal management and safeguarding procedures for classified information are inadequate;

5. The estimated number of persons granted special access in the responsible DoD Component; other DoD'Components; other government agencies; contractors; and the total of such personnel;

6. A summary statement pertaining to the Program security requirements with particular emphasis upon those personnel security requirements governing access to Program information;

7. The date of Program establishment;

8. The estimated number and approximate dollar value, if known, of carve-out contracts that will be or are required to support the Program; and

9. The DoD Component official who is the point of contact (last name, first name, middle initial; position or title ; mailing address; and telephone number) .

b. Annual Reports. Annual reports to the DUSD(P) shall be submitted not later than 31 January of each year, showing the changes in information provided under paragraph a. , above, as well as the date of last review. Annual reports shall reflect actual rather than estimated numbers of carve-out contracts and persons granted access and shall summarize the results of the inspections and audits required by paragraph 12-102 a. The effective date of information in the annual report shall be 31 December.

c. Termination Reports. The DUSD(P) shall be notified immediately upon termination of a Special Access Program.

## 12-106 Accounting for Special Access Programs

The DUSD(P) shall maintain a listing of approved Special Access Programs.

## 12-107 Limitations on Access

Access to data reported under this Chapter shall be limited to the DUSD(P) and the minimum number of properly indoctrinated staff necessary to perform the functions assigned the DUSD(P) herein. Access may not be granted to any other person for any purpose without the approval of the DoD Components sponsoring the Special Access Programs concerned.

## 12-108 "Carve-Out" Contracts

a. The Secretaries of the Military Departments and the DUSD(P), or their designees, shall ensure that, in those Special Access Programs involving contractors , special access controls are made applicable by legally binding instruments.

b. To the extent necessary for DIS to execute its security responsibilities with respect to Special Access Programs under its security cognizance, DIS personnel shall have access-to all information relating to the administration of these Programs.

c. Excluding those Programs specified in paragraph 12-101 c., the use of "cane-out" contracts that relieve the DIS from inspection responsibility under the Defense Industrial Security Program is prohibited unless:

1. Such contract supports a Special Access Program approved and administered under subsection 12-101;

2. Mere knowledge of the existence of a contract or of its affiliation with the Special Access Program is classified information; and

3. Carve-out status is approved for each contract by the Secretary of a Military Department, the Director, NSA, the DUSD(P), or their designees.

d. Approval to establish a "carve-out" contract must be requested from the Secretary of a Military Department, or designee(s), the Director, NSA, or designee(s), or in the case of other DoD Components, from the DUSD(P). Approved "carve-out" contracts shall be assured the support necessary for the requisite protection of the classified information involved. The support shall be specified through a system of controls that shall provide for:

1. A written security plan;

2. Professional security personnel at the sponsoring DoD Component performing security inspections at each contractor's facility which shall be conducted, at a minimum, with the frequency prescribed by paragraph 4-103 of DoD 5220.22-R (reference (j));

3. "Carve-out" contracting procedures;

4. A central office of record; and

5. An official to be the single point of contact for security control and administration. DoD Components other than the Military Departments and NSA shall submit such appropriate rationale and security plan along with requests for approval to the DUSD(P).

e. An annual inventory of carve-out contracts shall be conducted by each DoD Component which participates in Special Access Programs.

f. This subsection relates back to the date of execution for each contract to which carve-out contracting techniques are applied. The carve-out status of any contract expires upon termination of the Special Access Program which it supports.

## 12-109 Oversight Reviews

a. The DUSD(P) shall conduct oversight reviews, as required, to determine compliance with this Chapter.

b. Pursuant to statutory authority, the Inspector General, Department of Defense, shall conduct oversight of Special Access Programs.